

REMARKS

Reconsideration of this Application is respectfully requested. Upon entry of the foregoing amendments, claims 1-5 and 11-23 are pending in the application, with claims 1, 11, 13 and 15 being the independent claims. Claims 1, 11, 13, 15 and 18 have been amended. Support for the subject matter of the amended claims is contained in the application as originally filed. Because the foregoing changes introduce no new matter, their entry is respectfully requested.

Based on the above Amendment and the following Remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Information Disclosure Statement

A Supplemental Disclosure Statement citing U.S. Patent No. 5,303,838 is filed herewith.

Objections to the Claims

The Examiner made an objection to claim 18 because "said" has been omitted in line 1 before "horizontally". Applicant respectfully submits that the objection to claim 18 is overcome by the accompanying amendment thereto.

Objections to the Specification

The Examiner made an objection to the specification based on a lack of antecedent basis. Applicant respectfully submits that the objection to the specification is overcome by the accompanying amendment to paragraph no. 67.

Rejections under 35 U.S.C. § 102

The Examiner has rejected claims 6-10 under 35 U.S.C. §§ 102 and 103. Applicant respectfully submits that the rejections of claims 6-10 are overcome by the cancellation thereof.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 1-5 and 13-23 are allowed. Applicant notes that the independent claims were amended to remove superfluous limitations, namely, the limitations concerning the annular flange and the inner wall. Applicant respectfully submits that claims 1-5 and 13-23, as presently amended, remain allowable over the prior art of record.

Applicant thanks the Examiner for indicating that claims 11 and 12 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants respectfully submit that claim 11 has been rewritten to include all of the limitations of claim 10, with the exception of the annular flange and the inner wall, and is now allowable. Applicant submits that claim 12, which depends from claim 11, is allowable over the cited art for at least the same reasons as claim 11.

CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, the personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

PATENT

Attorney Docket No. A-70895/RBC/VEJ
Attorney Matter No. 463678-00192
Application No. 09/977,151

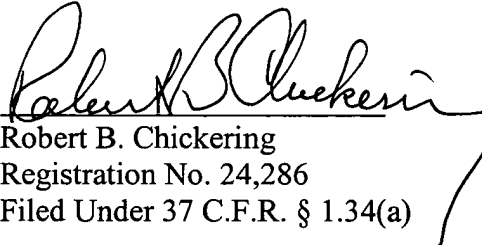
The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extension of time or additional claims, and/or credit any overpayment to Deposit Account No. 50-2319 (Order No. 463678-00192; Docket No. A-70895/RBC/VEJ).

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page(s) is/are captioned "*VERSION WITH MARKINGS TO SHOW CHANGES MADE*".

Prompt and favorable consideration of this Amendment and Response is respectfully requested.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In The Specification:

Paragraph no. 67, beginning at page 15, line 11, has been amended as follows:

[067] In one embodiment shown in FIGS. 12-13, a modified fitment 32c includes another modified gripping member in accordance with the present invention. As shown in FIGS. 12 and 13, gripping member 69c includes a straight segment 82 which extends at an [arcuate] acute angle with respect to frangible membrane 63c, namely, upwardly and outwardly from spout neck 38c. Gripping member 69c is molded in its straight shape at an angle of approximately 30° with respect to frangible membrane 63c. One should appreciate that gripping member 69c can extend from frangible membrane at an angle of approximately 10° to approximately 60°, and preferably at an angle of approximately 15° to approximately 45° in accordance with the present invention.

In the Claims:

Claims 1, 11, 13, 15 and 18 have been amended as follows.

1. (Currently Once Amended) A fitment comprising:
[a spout flange;]
a spout [projecting upward from said spout flange, said spout] having upper and lower ends [and an inner wall];
a frangible membrane sealing off said spout and having a peripheral edge joined to said spout [inner wall surface] along a line of weakness; and
a gripping member adapted to facilitate removal of said frangible membrane from said spout, said gripping member including a semicircular member having first and second terminal

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ends, said first end being connected to said frangible membrane adjacent said line of weakness, and said second end being remotely located from said first end.

11. (Currently Once Amended) A fitment [according to claim 10 further] comprising:
a spout projecting upward from said spout flange, said spout having upper and lower ends;
a frangible membrane sealing off said spout and having a peripheral edge joined to said spout along a line of weakness;
a gripping member adapted to facilitate removal of said frangible membrane from said spout, said gripping member including a horizontally extending member having first and second ends, said first end being connected to said frangible membrane adjacent said line of weakness, and said second end being remotely located from said first end, wherein an upper portion of said horizontally extending member is above said upper end of said spout; and
a frangible connector interconnecting a portion of said horizontally extending member and an adjacent portion of said frangible membrane, said frangible connector located between said first and second ends.

13. (Currently Once Amended) A fitment comprising:
[a spout flange;]
a spout [projecting upward from said spout flange, said spout] having upper and lower ends [and an inner wall];
a frangible membrane sealing off said spout and having a peripheral edge joined to said spout [inner wall surface] along a line of weakness;
a gripping member adapted to facilitate removal of said frangible membrane from said spout, said gripping member including a horizontally extending member having first and second portions [ends], said first portion [end] being connected to said frangible membrane adjacent said line of weakness, and said second portion [end] being remotely located from said first portion [end]; and

a frangible connector interconnecting an intermediate portion of said horizontally extending member and an adjacent portion of said frangible membrane, said frangible connector located between said first and second portions [ends].

15. (Currently Once Amended) A fitment comprising:

[a spout flange;]

a spout [projecting upward from said spout flange, said spout] having upper and lower ends [and an inner wall];

a frangible membrane sealing off said spout and having a peripheral edge joined to said spout [inner wall surface] along a line of weakness;

a gripping member adapted to facilitate removal of said frangible membrane from said spout, said gripping member including a horizontally extending member having a lower edge and a first end, said first end being connected to said frangible membrane adjacent said line of weakness; and

a frangible connection interconnecting a portion of said lower edge of said horizontally extending member and an adjacent portion of said upper end of said spout.

18. (Currently Once Amended) A fitment according to claim 15 wherein said horizontally extending member comprises a lower tapered edge which terminates at said frangible connection.